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 DENNIS MONTGOMERY, and the MONTGOMERY  
 FAMILY TRUST

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

DENNIS MONTGOMERY and the  
 MONTGOMERY FAMILY TRUST,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC, WARREN  
 TREPP, and the UNITED STATES  
 DEPARTMENT OF DEFENSE,

Defendants.

AND RELATED CASES.

) Case No. 3:06-CV-00056-PMP-VPC  
 ) BASE FILE

) (Consolidated with Case No. 3:06-CV-  
 ) 00145-PMP-VPC)

) **THE MONTGOMERY PARTIES'**  
 ) **MOTION FOR PERMISSION TO FILE**  
 ) **UNDER SEAL CERTAIN DOCUMENTS**  
 ) **REFERENCED IN THE**  
 ) **MONTGOMERY PARTIES' REQUEST**  
 ) **FOR JUDICIAL NOTICE**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that plaintiffs Dennis Montgomery and The Montgomery Family  
 3 Trust (collectively, the "Montgomery Parties") hereby move for permission to file under seal  
 4 certain documents referred to in the Montgomery Parties' concurrently filed Request For Judicial  
 5 Notice Of State Court Order Re: Preliminary Injunction And Certain Related State Court Pleadings  
 6 And Transcript Of Proceedings (the "Request for Judicial Notice"). These documents, which  
 7 pertain to the action known as *eTreppid Technologies L.L.C. v. Dennis Montgomery, et al.*, Case  
 8 CV06-00114 filed in the Second Judicial District Court in and for the County of Washoe (the  
 9 "State Court Action"), are as follows: (i) ex parte application (Exhibit B to Request for Judicial  
 10 Notice); (ii) motion to modify (Exhibit C to Request for Judicial Notice); (iii) transcript of  
 11 proceedings, Vol. 1 held on February 7, 2006 (Exhibit D to Request for Judicial Notice); and (iv)  
 12 transcript of proceedings, Vol. 2 (Exhibit E, Request for Judicial Notice).

13 This motion is made on the grounds that the above-referenced documents were initially  
 14 designated as "sealed" in the State Court Action and the Montgomery Parties are uncertain whether  
 15 such documents continue to retain this designation.

16 March 10, 2008

Respectfully submitted,

17 LINER YANKELEVITZ  
 18 SUNSHINE & REGENSTREIF LLP

19 By: \_\_\_\_\_/s/  
 20 Deborah A. Klar  
 21 Tuneen E. Chisolm  
 22 Attorneys for Plaintiffs  
 DENNIS MONTGOMERY and the  
 MONTGOMERY FAMILY TRUST

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICES OF LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP, and that on the March 10, 2008, I caused to be served the within document described as **THE MONTGOMERY PARTIES' MOTION FOR PERMISSION TO FILE UNDER SEAL CERTAIN DOCUMENTS REFERENCED IN THE MONTGOMERY PARTIES' REQUEST FOR JUDICIAL NOTICE** on the interested parties in this action as stated below:

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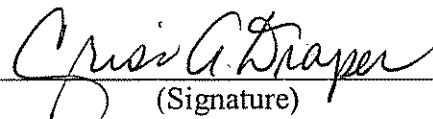
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☒ **[ELECTRONIC]** By filing the document(s) electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document(s) to the persons listed above at their respective email address.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on March 10, 2008, at Los Angeles, California

Criss A. Draper  
(Type or print name)

  
(Signature)